

III. REMARKS**Status of the Claims**

Claims 1, and 17 are amended. New claim 18 is added. Claims 1-18 are presented for further consideration.

Summary of the Office Action

Claims 1-3,8,10, and 17 stand rejected under 35USC102(e) on the basis of the cited reference Chapman, U.S. Patent No. 5,926,468. Claims 4-7,9, and 13-16 stand rejected under 35USC 103(a) based on the reference Chapman, in view of Carsello, U.S. Patent No. 5,754,586. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Claims 11-12 are indicated as allowed.

Applicant has amended the claims to clarify the novel features of the invention for which protection is sought in this application. These amendments are submitted after final rejection in order to place the claims in condition for allowance or in the alternative to place the claims in better condition for appeal. The Examiner is requested to exercise his discretion and enter these amendments. Claim 18 is drawn to a system of that provides the features of the method and device of claims 1-17 and, as such, does not require further searching.

Discussion of the Cited Reference

The Examiner continues to cite the reference Chapman as primary support for the rejections based on anticipation and obviousness. In the system of Chapman a data link is established for

communicating between a first entity and a second entity. Each entity has a data link layer. In the event of a failed transmission of data information frames, the data link layers must be reset. As described in column 5, lines 19-35, the reset transmission and reset acknowledgement transmissions use conventional information frames to carry the information relating to resetting.

As described in the amended claims 1 and 18 of this application, the applicant uses specific Reset Protocol Data Units (PDU) and Reset Acknowledgement Protocol Data Units (PDU) to carry the information relating to resetting. As indicated in the Technical Specification, ETSI TS 125 322 V3.1.2 (2000-2001) incorporated by reference in this application on page 1, line 27 of this application, the so called RESET PDU's and RESET ACK PDU's of this invention have an indicator value that represents a higher priority than ordinary Acknowledged Mode Data PDU's. This results in a higher certainty of success in the reset process than in the system of Chapman.

In the Examiner's Response to Arguments, the Examiner appears to define an "implicit priority" being disclosed in Chapman. According to the Examiner, in Chapman, a Data Link Reset Command Field value is transmitted that indicates the need for resetting the connection. This will halt the normal transmission of data until the receiving entity transmits a positive acknowledgement indicating that the reset has occurred, after which normal transmission will resume. Thus, in the Examiner's opinion, the fact that normal transmission is not continuing during the reset procedure, means that, implicitly, whatever is transmitted instead of the normal transmissions during the reset procedure

has higher priority, because it gets transmitted while the normal transmissions do not.

This reflects a misunderstanding on the part of the Examiner. With higher priority the applicant means that in the telecommunications system the Reset PDUs and Reset Ack PDUs include an indicator of higher priority or are otherwise known to have higher priority, so that, should there become somewhere a competition situation where a Reset PDU and a normal data frame were competing for transmission capacity, the Reset PDU will prevail. In Chapman's solution such a competition situation will never arise, because the transmitting device will voluntarily refrain from transmitting normal transmissions, as long as the reset procedure is going on.

Since the system of Chapman does not utilize the higher priority transmissions, the cited reference fails to support the Examiner's rejection.

The Issue of Anticipation

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Chapman would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a system having the following feature:

"transmitting from the first communication device to the second communication device a first piece of information indicating the need for resetting the communication connection, and said first piece of information having an indicator value representing higher priority for transmitting said first piece of information than for transmitting ordinary data in said communication connection;"

Since this capability is not present in the system of the

reference Chapman, there can be no infringement of the subject claims. Therefore the teaching of Chapman does not support the rejection based on anticipation with respect to any of the claims.


Equivalent language is contained in independent claims 1, 11 and 17, therefore, the above arguments are equally applicable to the rejected dependent claims 2, 3, 8, and 10.

The Examiner's asserts, as the basis for the rejection based on obviousness, that the cited reference Chapman teaches all of the claim limitations of claim 2. Applicant submits that this is not accurate because of the deficiencies of Chapman as stated above. The combination of the teaching of Carsello with that of Chapman does not remedy the deficiencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge the amount of \$320.00 for a one month extension of time and extra claims fees to Deposit Account 16-1350. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

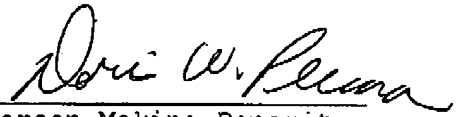
7 June 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 6/7/05

Signature: 
Person Making Deposit